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3 Westlake Village, CA 91362
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4

5 Attorneys for Defendant, COUNTY OF LOS ANGELES;

6 UNITED STATES DISTRICT COURT
7
8 CENTRAL DISTRICT OF CALIFORNIA

9
10 SUSAN SCHOFIELD, an individual,) Case No.: 2:22-CV-04332-JGB (AS)
11 Plaintiffs,)
12 vs.) ANSWER TO COMPLAINT BY
13 COUNTY OF LOS ANGELES, et al.) DEFENDANT COUNTY OF LOS
14 Defendants.) ANGELES; REQUEST FOR JURY
15) TRIAL
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

COMES NOW, Defendant COUNTY OF LOS ANGELES and hereby
answer each allegation against it, in Plaintiff's Complaint, as follows:

- 21 1. In response to Paragraph 1 of Plaintiffs' Complaint, Defendant denies
22 each and every allegation contained therein.
- 23 2. In response to Paragraph 2 of Plaintiffs' Complaint, Defendant denies
24 each and every allegation contained therein.
25

- 1 3. In response to Paragraph 3 of Plaintiffs' Complaint, Defendant denies
2 each and every allegation contained therein.
- 3 4. In response to Paragraph 4 of Plaintiffs' Complaint, Defendant denies
4 each and every allegation contained therein.
- 5 5. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant denies
6 each and every allegation contained therein.
- 7 6. In response to Paragraph 6 of Plaintiffs' Complaint, Defendant denies
8 each and every allegation contained therein.
- 9 7. In response to Paragraph 7 of Plaintiffs' Complaint, Defendant denies
10 each and every allegation contained therein.
- 11 8. In response to Paragraph 8 of Plaintiffs' Complaint, Defendant denies
12 each and every allegation contained therein.
- 13 9. In response to Paragraph 9 of Plaintiffs' Complaint, Defendant denies
14 each and every allegation contained therein.
- 15 10. In response to Paragraph 10 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.
- 17 11. In response to Paragraph 11 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.
- 19 12. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.
- 21 22. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant
22 denies each and every allegation contained therein.
- 23 23. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant
24 denies each and every allegation contained therein.
- 25 24. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant
26 denies each and every allegation contained therein.

- 1 13. In response to Paragraph 13 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.
- 3 14. In response to Paragraph 14 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.
- 5 15. In response to Paragraph 15 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.
- 7 16. In response to Paragraph 16 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.
- 9 17. In response to Paragraph 17 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.
- 11 18. In response to Paragraph 18 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.
- 13 19. In response to Paragraph 19 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.
- 15 20. In response to Paragraph 20 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.
- 17 21. In response to Paragraph 21 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.
- 19 22. In response to Paragraph 22 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.
- 21 23. In response to Paragraph 23 of Plaintiffs' Complaint, Defendant
22 denies each and every allegation contained therein.
- 23 24. In response to Paragraph 24 of Plaintiffs' Complaint, Defendant
24 denies each and every allegation contained therein.
- 25 25. In response to Paragraph 25 of Plaintiffs' Complaint, Defendant
 denies each and every allegation contained therein.

1 23. In response to Paragraph 23 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 24. In response to Paragraph 24 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 25. In response to Paragraph 25 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 26. In response to Paragraph 26 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 27. In response to Paragraph 27 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 28. In response to Paragraph 28 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 29. In response to Paragraph 29 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 30. In response to Paragraph 30 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 31. In response to Paragraph 31 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 32. In response to Paragraph 32 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 33. In response to Paragraph 33 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 34. In response to Paragraph 34 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 35. In response to Paragraph 35 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 36. In response to Paragraph 36 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 37. In response to Paragraph 37 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 38. In response to Paragraph 38 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 39. In response to Paragraph 39 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 40. In response to Paragraph 40 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 41. In response to Paragraph 41 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 42. In response to Paragraph 42 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 43. In response to Paragraph 43 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 44. In response to Paragraph 44 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 45. In response to Paragraph 45 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 46. In response to Paragraph 46 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 47. In response to Paragraph 47 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 48. In response to Paragraph 48 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 49. In response to Paragraph 49 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 50. In response to Paragraph 50 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 51. In response to Paragraph 51 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 52. In response to Paragraph 52 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 53. In response to Paragraph 53 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 54. In response to Paragraph 54 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 55. In response to Paragraph 55 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 56. In response to Paragraph 56 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 57. In response to Paragraph 57 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 58. In response to Paragraph 58 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 59. In response to Paragraph 59 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 60. In response to Paragraph 60 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 61. In response to Paragraph 61 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 62. In response to Paragraph 62 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 63. In response to Paragraph 63 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 64. In response to Paragraph 64 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 65. In response to Paragraph 65 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 66. In response to Paragraph 66 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 67. In response to Paragraph 67 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 68. In response to Paragraph 68 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 69. In response to Paragraph 69 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 70. In response to Paragraph 70 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 71. In response to Paragraph 71 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 72. In response to Paragraph 72 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 73. In response to Paragraph 73 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 74. In response to Paragraph 74 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 75. In response to Paragraph 75 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 76. In response to Paragraph 76 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 77. In response to Paragraph 77 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 78. In response to Paragraph 78 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 79. In response to Paragraph 79 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 80. In response to Paragraph 80 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 81. In response to Paragraph 81 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 82. In response to Paragraph 82 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 83. In response to Paragraph 83 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 84. In response to Paragraph 84 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 85. In response to Paragraph 85 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 86. In response to Paragraph 86 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 87. In response to Paragraph 87 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 88. In response to Paragraph 88 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 89. In response to Paragraph 89 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 90. In response to Paragraph 90 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 91. In response to Paragraph 91 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 92. In response to Paragraph 92 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 93. In response to Paragraph 93 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 94. In response to Paragraph 94 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 95. In response to Paragraph 95 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 96. In response to Paragraph 96 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 97. In response to Paragraph 97 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 98. In response to Paragraph 98 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 99. In response to Paragraph 99 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 100. In response to Paragraph 100 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 101. In response to Paragraph 101 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 102. In response to Paragraph 102 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 103. In response to Paragraph 103 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 104. In response to Paragraph 104 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 105. In response to Paragraph 105 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 106. In response to Paragraph 106 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 107. In response to Paragraph 107 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 108. In response to Paragraph 108 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 109. In response to Paragraph 109 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 110. In response to Paragraph 110 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 111. In response to Paragraph 111 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 112. In response to Paragraph 112 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 113. In response to Paragraph 113 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 114. In response to Paragraph 114 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 115. In response to Paragraph 115 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 116. In response to Paragraph 116 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 117. In response to Paragraph 117 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 118. In response to Paragraph 118 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 119. In response to Paragraph 119 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 120. In response to Paragraph 120 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 121. In response to Paragraph 121 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 122. In response to Paragraph 122 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 123. In response to Paragraph 123 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 124. In response to Paragraph 124 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 125. In response to Paragraph 125 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 126. In response to Paragraph 126 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 127. In response to Paragraph 127 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 128. In response to Paragraph 128 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 129. In response to Paragraph 129 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 130. In response to Paragraph 130 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 131. In response to Paragraph 131 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 132. In response to Paragraph 132 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 133. In response to Paragraph 133 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3 134. In response to Paragraph 134 of Plaintiffs' Complaint, Defendant
4 denies each and every allegation contained therein.

5 135. In response to Paragraph 135 of Plaintiffs' Complaint, Defendant
6 denies each and every allegation contained therein.

7 136. In response to Paragraph 136 of Plaintiffs' Complaint, Defendant
8 denies each and every allegation contained therein.

9 137. In response to Paragraph 137 of Plaintiffs' Complaint, Defendant
10 denies each and every allegation contained therein.

11 138. In response to Paragraph 138 of Plaintiffs' Complaint, Defendant
12 denies each and every allegation contained therein.

13 139. In response to Paragraph 139 of Plaintiffs' Complaint, Defendant
14 denies each and every allegation contained therein.

15 140. In response to Paragraph 140 of Plaintiffs' Complaint, Defendant
16 denies each and every allegation contained therein.

17 141. In response to Paragraph 141 of Plaintiffs' Complaint, Defendant
18 denies each and every allegation contained therein.

19 142. In response to Paragraph 142 of Plaintiffs' Complaint, Defendant
20 denies each and every allegation contained therein.

1 143. In response to Paragraph 143 of Plaintiffs' Complaint, Defendant
2 denies each and every allegation contained therein.

3
4 In addition to the preceding Answers and/or Responses to the specific
5 allegations in Plaintiffs' Complaint, Defendants further raise the following
6 affirmative defenses:

7 FIRST AFFIRMATIVE DEFENSE

8
9 FAILURE TO STATE A CAUSE OF ACTION

10 Defendants hereby allege that the Complaint herein fails to state facts
11 sufficient to constitute a cause of action against these defendants; or, in the
12 alternative, that this action should be dismissed under Federal Rule of Civil
13 Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

14
15 SECOND AFFIRMATIVE DEFENSE

16 DEFENSE OF LIMITATIONS

17 As a further, separate and affirmative defense to Plaintiffs' Complaint, and
18 each cause of action thereof, Defendants allege that the time alleged in said
19 complaint demonstrates that this action was not brought within the requisite
20 statutory period.
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1 THIRD AFFIRMATIVE DEFENSE

2 PLAINTIFFS' CONTRIBUTORY NEGLIGENCE

3 As a further, separate and affirmative defense to Plaintiffs' Complaint, and
4 each cause of action thereof, Defendants allege that damages sustained by
5 Plaintiffs if any, were legally caused and/or contributed to by Plaintiffs' own acts,
6 omissions, negligence and/or failure to take reasonable and necessary actions to
7 eliminate, mitigate, lessen, reduce and/or minimize such damages, thus barring or
8 reducing Plaintiffs' recovery.
9

10 FOURTH AFFIRMATIVE DEFENSE

11 ACTIONS OF OTHERS

12 As a further, separate and affirmative defense to Plaintiffs' Complaint, and
13 each cause of action thereof, Defendants allege that the injuries alleged by
14 Plaintiffs, if any, were legally caused by the negligence and/or conduct of other
15 persons or entities, and these Answering Defendants request that an allocation of
16 such negligence and liability be made among other persons or entities, and that if
17 any liability is found on the part of these Answering Defendants, judgment against
18 said Defendants only be in the amount which is proportionate to the extent and
19 percentage by which these Answering Defendants' actual omission contributed to
20 Plaintiffs' injuries or damages.
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1 FIFTH AFFIRMATIVE DEFENSE

2 ASSUMPTION OF THE RISK

3 As a further, separate and affirmative defense to Plaintiffs' Complaint and
4 each cause of action thereof, Defendants allege that Plaintiffs knowingly and
5 voluntarily assumed the risk of the conduct, events and matter alleged in the
6 subject complaint, and any injuries or damages sustained by Plaintiffs was the sole,
7 exclusive and legal result of risks so assumed, thereby barring or reducing
8 Plaintiffs' recovery herein.
9

10 SIXTH AFFIRMATIVE DEFENSE

11 NOT IN SCOPE OF EMPLOYMENT

12 As a further, separate and affirmative defense to Plaintiffs' Complaint and
13 each of action thereof, Defendants allege, without admitting any facts contained
14 within the subject complaint, the individuals identified by Plaintiffs as involved in
15 the alleged improper conduct were not acting within the course and scope of any
16 employment or agency with these Answering Defendants at the time of the subject
17 incident(s) and, therefore, these Answering Defendants are not responsible nor
18 liable for the alleged wrongful conduct.
19

20 SEVENTH AFFIRMATIVE DEFENSE

21 FAILURE TO MITIGATE DAMAGES

1 As a further, separate and affirmative defense to Plaintiffs' Complaint and
2 each cause of action thereof, Defendants allege that Plaintiffs are barred from
3 recovery herein, in whole or in part, by reason of their failure to mitigate damages.
4

5 EIGHTH AFFIRMATIVE DEFENSE

6 AUTHORIZED CONDUCT

7 As a further, separate and affirmative defense to Plaintiffs' Complaint and
8 each cause of action thereof, Defendants allege that, pursuant to California Welfare
9 and Institutions Code, Sections 300, 305, 307 and 309, the actions of these
10 Answering Defendants were reasonable, proper, authorized and lawful.
11

12 NINTH AFFIRMATIVE DEFENSE

13 IMMUNITY

14 As a further, separate and affirmative defense to Plaintiffs' Complaint and
15 each cause of action thereof, Defendants allege that, pursuant to California
16 Government Code, Sections 815, 815.2, 815.6, 820.2, 820.4, 821.4, these
17 Answering Defendants are immune from liability, and the actions of these
18 Answering Defendants were reasonable, proper, authorized and lawful.
19
20

21 TENTH AFFIRMATIVE DEFENSE

22 IMMUNITY

23 As a further, separate and affirmative defense to Plaintiffs' Complaint and
24 each cause of action thereof, Defendants allege that, pursuant to Federal and State
25

1 law and decisional authority, including Meyers v. Contra Costa County
 2 Department of Social Services 812 F.2d 1154, (9th Cir. 1987), it is immune from
 3 the claims, causes of action and allegations of plaintiff.
 4

5 ELEVENTH AFFIRMATIVE DEFENSE

6 IMMUNITY

7 As a further, separate and affirmative defense to Plaintiffs' Complaint, and
 8 each cause of action thereof, Defendants allege, that pursuant to Federal and State
 9 statutory and decisional authority, including California Government Code, Section
 10 820.2; F.E. Trotter, Inc. v. Watkins (9th Cir. 1989) 869 F.2d 1312, 1314; Harlow v.
 11 Fitzgerald (1982) 457 U.S. 800, 818, 102 S.Ct. 2727, 2738, 73 L.Ed.2d 396;
 12 Imbler v. Pachtman (1976) 424 U.S. 409; Gensburg v. Miller (1994) 31
 13 Cal.App.4th 512; Butz v. Economou (1978) 438 U.S. 478; Demery v. Kupperman
 14 (9th Cir. 1984) 735 F.2d 1139; Becerra v. County of Santa Cruz (1999) 68
 15 Cal.App.4th 1450, 81 Cal.Rptr.2d 165, citing Ronald S. v. County of San Diego
 16 (1993) 16 Cal.App.4th 887, 898, it is immune from the claims, causes of action and
 17 allegations by plaintiffs.
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 19
 20

21 TWELFTH AFFIRMATIVE DEFENSE

22 NO LIABILITY FOR PUNITIVE DAMAGES

23
 24 As a further, separate and affirmative defense to Plaintiffs' Complaint and
 25 each cause of action thereof, Defendants allege that, pursuant to California

1 Government Code, Section 818, these answering Defendants cannot be liable for
2 punitive and/or exemplary damages pursuant to California Civil Code, Section
3 3294 and applicable Federal Law and decisional authority.
4

5 THIRTEENTH AFFIRMATIVE DEFENSE

6 LACK OF EVIDENCE JUSTIFYING PUNITIVE DAMAGES

7 As a further, separate and affirmative defense to Plaintiffs' Complaint and
8 each cause of action thereof, Defendants allege that any of Defendants' conduct,
9 actions and/or omissions as alleged by Plaintiffs fails to meet the definitional
10 standards of "malice," "oppression," and/or "fraud" pursuant to California Civil
11 Code, Section 3294, to justify an award of punitive and/or exemplary damages.
12
13 Further, Defendants allege that Plaintiffs' Complaint fails to meet a clear and
14 convincing burden of proof to justify an award of punitive and/or exemplary
15 damages against these Answering Defendants, as required by California Civil
16 Code, Section 3294, and applicable Federal Law and decisional authority.
17
18

19 FOURTEENTH AFFIRMATIVE DEFENSE

20 ABSTENTION

21 As a further, separate affirmative defense to plaintiffs' Complaint, and each
22 cause of action thereof, defendant asserts this Court should abstain from
23 jurisdiction of this matter due to ongoing state court proceedings.
24

25 FIFTEENTH AFFIRMATIVE DEFENSE

COLLATERAL ESTOPPEL

As a further, separate affirmative defense to plaintiffs' Complaint, and each cause of action thereof, defendants assert that plaintiff is collaterally estopped from pursuing this action, based on the rulings / findings of the dependency court and/or the court of appeal relative to those proceedings.

WHEREFORE, these Answering Defendants pray for judgment as follows:

1. That Plaintiff take nothing by this action;
2. That this action be dismissed;
3. That Defendant be awarded its costs of suit herein; and,
4. For such other and further relief as the Court may deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. Section 1988, and that if this Answering Defendant is found liable, the degree of responsibility and liability for the resulting damage be determined so that Defendant may be held liable only for that portion of the total damage in proportion to its liability for same.

DATED: August 3, 2022

MONROY, AVERBUCK & GYSLER

Jennifer E. Gysler

JON F. MONROY

JENNIFER E. GYSLER

Attorneys for Defendants

COUNTY OF LOS ANGELES,

Answer to Complaint

1
2 REQUEST FOR JURY TRIAL

3 Defendants hereby request a Trial by jury.
4

5 DATED: August 3, 2022

MONROY, AVERBUCK & GYSLER

6
7
8 Jennifer E. Gysler.

9 JON F. MONROY

JENNIFER E. GYSLER

10 Attorneys for Defendant

11 COUNTY OF LOS ANGELES
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PROOF OF SERVICE
STATE OF CALIFORNIA – COUNTY OF LOS ANGELES
CCP 1013(A)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 200 Lindero Canyon Road, Suite 204, Westlake Village, CA 91362.

On August 4, 2022, I caused to be served the foregoing document described as on the interested parties in this action as follows:

ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL

☐ **By telecopier:** By transmitting an accurate copy via telecopy to the person and telephone number as follows:

☒ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

Susan Schofield
 25001 Magic Mountain Pkwy, #620
 Valencia, CA 91355

☐ per ECF System

☒ **BY MAIL:**

☐ I deposited such envelope in the mail at Westlake Village, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Westlake Village, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand, to addressee or offices of addressee.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 4, 2022, at Westlake Village, California.

Jennifer Gysler

Jennifer Gysler